

**COMMISSION MEETING****1:30 P.M.****JANUARY 6, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 6, 2016, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners, Geitz, Gilligan, Harmon and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

**Consent Agenda**

It was moved by Commissioner Gilligan, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular meeting held on December 30, 2015.
- b. Consider ratification of Payroll Ordinance for period ending December 24, 2015.

The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Public Comment)**

Mayor Giefer recognized the following employees as winners of The Above and Beyond Award. He stated this is a quarterly award given to employees that are nominated by their peers for special recognition of their valuable contribution to the City. He then presented the winners as follows:

Shonda Glover - Police Department

Janet Harrouff - Director of Finance

David Young - Fire Department

**PLANNING AND DEVELOPMENT**

**(MAPC Excerpts of Regular Meeting Held 12-15-15)**

**(Application No. 2015-15 - Request of Scott Tajchman)**

**(Rezone Property Located at 1120 E. 12<sup>th</sup> Ave., From C2 to C3)**

**Excerpt of the December 15, 2015 Planning Commission Meeting:**

The Planning Commission met in special session on Tuesday, December 15, 2015, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman and Wade

were present. Member Ochs was absent.

**APPLICATION 2015-15.** A request of Scott Tajchman LLC for rezoning to allow for a C-3 commercial use at 1120 E. Twelfth Ave, as authorized by Section 26-103 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

**Staff Report:**

The applicant is requesting approval of a rezoning application to allow for a retail plant nursery and garden center. The property is currently zoned C2. Zoning Regulation requires plant nurseries to be located in a C3 district. The property is currently vacant but has been vacant for about 10 years. Staff recommends approval of application as the area is composed with a mix of uses. Staff feels this use will have beneficial impact on surrounding properties, and would remove the current blighted property. The traffic created from the proposed use will be presumably less than the surrounding locations the area could support increased traffic as it is an arterial street.

With no further discussion, the public hearing portion is opened.

**Public Hearing:**

Scott Tajchman, 1419 Oxford Drive, addressed the Board. Mr. Tajchman explained his intentions to clean up the property and turn it into a plant nursery which would stock retail landscaping inventory. He is the owner of Scott's Lawn & Landscaping and would like to extend his business to this new location. He intends to make the store and property look as nice as his customers yards. Parking will be located in the same area which will be repaired and cleaned up.

Member Thomas asked if he intends to keep this property located on E. 6th Avenue. Mr. Tajchman acknowledged that he will keep his mowing business and equipment at the E. 6th Avenue property.

Ben Baldridge, 1021 E. 12th Avenue, spoke in favor of the application and felt the request would be a good idea and an improvement to the whole area.

With no further comments, the public hearing portion was closed.

Member Bucklinger asked if a nursery is required to be zoned as C3. Staff replied that it is required to be zoned C3. Member

Springeman explained that the building code also requires that classification.

Member Pontius moved to approve Application 2015-05, to rezone 1120 E. 12th Avenue from C2, Restricted Commercial to C3, General Commercial use, based upon the recommendation of Staff, it makes sense for the area, anything that would be green and alive would be an improvement and it would help the neighborhood. Member Wade seconded. Motion approved 7-0-1. Member Sauder abstained since he had been the realtor for the property.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Scott Tajchman to change the zoning status of property located at 1120 E. 12<sup>th</sup> Avenue from C2, Restricted Commercial District to C3, General Commercial District, as authorized by Article 26-1 of the Zoning Regulations. He stated the applicant is requesting rezoning so he can operate a green house and tree nursery retail business. The zoning surrounding the subject property has mixed zoning. He stated the future land use map in the Comprehensive Plan identifies the subject property as Commercial. E. 12<sup>th</sup> Avenue is classified as an arterial street and would allow for any increase in traffic that he proposed business might bring. He stated at their December 15, 2015 regular meeting, the Planning Commission voted unanimously to recommend approval of rezoning the property located at 1120 E. 12<sup>th</sup> Avenue from C2, Restricted Commercial District to C3, General Commercial District. The application the will remove a blighted lot and, and it is compatible with the neighboring businesses.

Commissioner Geitz made a motion approving the request of Scott Tajchman to change the zoning status of property located at 1120 E. 12<sup>th</sup> Avenue from C2, Restricted Commercial District to C3, General Commercial District. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 12-15-15)**  
**(Application No. 2015-14 - Request of Sacred Heart Church)**  
**(Request of Conditional Use Permit for Property at 27 Cottonwood St.)**

**Excerpt of the December 15, 2015 Planning Commission Meeting Minutes:**

The Planning Commission met in special session on Tuesday, December 15, 2015, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman and Wade were present. Member Ochs was absent.

APPLICATION 2015-14. A request of the Sacred Heart Church for a Conditional Use Permit to allow for a church building at 27 Cottonwood Street, as authorized by Section 6-401 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulation.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

**Staff Report:**

The applicant is requesting approval of a Conditional Use Permit to allow for construction of a church office building with an attached garage. The property is currently vacant but has been owned by the church since 2012. Staff recommends approval of application as the proposed use will be an asset for the community and this use will have little to no impact on surrounding properties. The traffic created from the new use will be limited and far less than if the property was developed for retail, or multifamily housing.

Member Bucklinger asked if the attachment of a garage change the classification or the requirements for this building. Staff did not feel that it would change the classification. The garage is like any other structure and will be an accessory use. The property will be used for the office building, therefore the garage will have no impact. Member Bucklinger asked if the proposed structure is specifically allowed as a Conditional Use in an R1. Staff acknowledged that it is allowed because the type of activities will be on a church used property.

**Public Hearing:**

Jim Pickert, 2102 Mt. Vernon Terrace, spoke on behalf of Sacred Heart Church. The applicant felt this to be a good use for the property. The existing office building will be renovated to be used as the rectory.

With no further comments, the public hearing portion was closed.

Member Miller moved to approve Application 2015-14, for a Conditional Use Permit to allow a church building at 27 Cottonwood Street based upon Staff recommendations and the apparent consistency with the use in the neighborhood of the church and appears to be in the best interest of the community to allow such use and specifically based upon the comments made by Mr. Pickert about the rearrangement of their original intentions for building the rectory. This appears to be the best use of the property in that area. Member Fowler seconded. Motion approved 8-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Sacred Heart Church for a Conditional Use Permit for property located at 27 Cottonwood Street, as authorized by Section 6-401, Table 6-2.17 of the Zoning Regulations to allow a Church in a residential district. He stated the church would like to construct an office building with an attached garage on the property that is zoned R1. He stated current regulations allow churches in all residential district with the issuance of a Conditional Use Permit. The property has been owned by the church since 2012 and the parcel is now a vacant lot. He stated the proposed use will be an asset for the community and this use will have little to no impact on surrounding properties. He stated at their December 15, 2015 Special meeting, the Planning Commission voted unanimously to allow the Conditional Use Permit to allow the church to build a new church office with an attached garage at 27 Cottonwood Street based on the apparent consistency with the use of the neighborhood of the church.

Commissioner Geitz made a motion to approve the request of Sacred Heart Church for a Conditional Use Permit for property located at 27 Cottonwood Street. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Development by Excel Development Group)  
(Housing Tax Credits Application with Kansas Housing Resources Corp)  
(Resolution Number 3576)**

Jeff Lynch, Housing Specialist, and representative of Excel Development Group, were recognized and addressed the Governing Body. They stated this resolution is for affordable rental housing development by Excel Development Group. They stated this project will be partially financed by tax credits through the State of Kansas. They stated the project will contain 32 units of new construction of two and three bedroom apartments. All units will serve families at or below 60% of area median income. This resolution will support and approve the development of the housing project by Excel Development Group that a housing tax credit application can be filed with the Kansas Housing Resources Corporation.

Commissioner Gilligan made a motion to approve Resolution Number 3576, a resolution that the City of Emporia support and approve the development of a housing development by Excel Development Group. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**CITY COMMISSION  
(Board Appointments)**

**Emporia Enterprises:**

\_\_\_\_\_It was moved by Commissioner Geitz, seconded by Commissioner Harmon, that Michael Williams be reappointed to the Emporia Enterprises Board for a three year term that expires December 31, 2018. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**Emporia-Lyon County Joint Board of Zoning Appeals:**

\_\_\_\_\_It was moved by Commissioner Gilligan, seconded by Commissioner Harmon, that Larry Bucklinger be reappointed to the Emporia-Lyon County Joint Board of Zoning Appeals for a three year term that expires December 31, 2018. The vote follows: Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

**TENTATIVE AGENDA FOR JANUARY 13TH STUDY SESSION**

1. RHID Update Review
2. Discuss Towing Guidelines
3. Discuss Flint Hills Regional Council

***Joint City/County Luncheon City Hosts***

**CITY COMMISSION  
(Other Business)**

This is a time for the City Commissioners to make comments.

It was the consensus of the Commission to acknowledge the new procedure for appointments to the various boards that help to advise the City. The board members are selected after interviews by Commissioners to pick a qualified applicant to serve on each board and work with the City on procedures and regulations. This stated they are pleased with the change and will continue the process as it pertains to one of the goals this commission has set forth.

Commissioner Mlynar then made a motion to adjourn. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk